



JSO 46

3 / 1

Part: 1

Subject: LIAISON WITH FOREIGN COUNTRIES

DISCLOSURE OF UNITED KINGDOM MILITARY INFORMATION TO FOREIGN COUNTRIES

GENERAL

File commenced: 1948

File closed: 1953

JOINT SERVICE ORGANIZATION

CH

[10,000/3/49-14856]

SEE ALSO PM 90/1/4

SEE ALSO: J.S.O. 42/2/1

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FROM 1 JANUARY 20 10

D. L. D. M. Date: 24/4/10

for HQ NZ DEFENCE FORCE

DECLASSIFIED

On 24/4/10

Reference B. L. D. M.

Appointment Review Prob.

K

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FILE REF. 46/3/1

Volume No.:

[illegible]

SECRET

J80 46/3/1
DEFENCE SECRETARIAT

/2 June 1953

MEMORANDUM for:-

Director of Naval Intelligence
Director of Military Intelligence
Director of Intelligence RNZAF
Director, Joint Intelligence Bureau (NZ)

EXCHANGE OF INTELLIGENCE BETWEEN THE
UNITED KINGDOM AND SIAM

Attached for your information and retention
is a copy of a letter received by the Department
of External Affairs from the Office of the High
Commissioner for the United Kingdom, Wellington,
dealing with the exchange of intelligence information
between the United Kingdom and Siam.

[Sgd.] P. P. O'BRIEN

Secretary,
Joint Intelligence Committee.

Enclosure:

Copy of letter
D.555/13 of 4 June 1953



SECRET

from PM 201/1/16

D.555/13.

SECRET.

4th June, 1953.

Dear Sir,

The High Commissioner has been asked to inform the New Zealand authorities that in recent months the Siamese Government have suggested that there should be closer arrangements with the United Kingdom for the exchange of intelligence on military matters of interest to the two Governments. Sympathetic consideration has been given in London to these proposals in view of the desirability of fortifying the Siamese Government in their present friendly policy towards the West and strengthening it against possible neutralist pressure. It has now been decided that it is desirable to extend the existing arrangements for the exchange of information on police matters to cover the following aspects of military intelligence which it is believed would prove of interest to the Siamese Government: Malayan-Siamese border control operations, in order to ensure military, air and police co-operation; land, air and police operations elsewhere in the Federation of Malaya; operation intelligence in Malaya, and land and air jungle warfare training techniques.

2. In order to facilitate the suggested extension of intelligence co-operation, it is proposed that the existing channels for liaison on police matters should now be supplemented by periodic meetings at Bangkok at which the United Kingdom Military Attache would be the United Kingdom representative. At the same time, the United Kingdom Government have welcomed in principle an informal request received through military channels for the appointment of a Siamese Military Liaison Officer to the Siamese Consulate-General in Singapore.

3. These proposals were put to the Siamese Minister of Foreign Affairs shortly before the Viet Minh attack on Laos started and were welcomed in principle. The detailed implications of these proposals (about which the New Zealand High Commissioner in London has also been informed) are now being worked out.

Yours faithfully,

(E. H. LAMBOUR).

Secretary.

w/ldr. O'Brien

The Secretary,
Department of External Affairs,
WELLINGTON.

D. Jeannette ✓
- return to me on file.

TOP SECRET

TSO 46/3/1



United Kingdom Service Liaison Staff,
OFFICE OF THE HIGH COMMISSIONER
FOR THE UNITED KINGDOM,
WELLINGTON, N.Z.

UKSLS/TS.4009.

26th October, 1949.

It is notified for the information of the New Zealand Chiefs of Staff, that, in view of the signing of the Atlantic Pact, the United Kingdom Chiefs of Staff have reviewed their report (COS(48)180(o)) on the disclosure of British Military information to Foreign Nations. They decided not to recommend any alteration in the existing procedure until the Military machinery for the Atlantic Pact was established, beyond raising Iceland and Italy from Category 4 to Category 3.

2. It is accordingly requested that you will make the following amendment to each of the three copies of COS(48)180(o) which were passed to you under cover of my letter UKSLS/S.4009/2 dated 6th October, 1948:-

Page 7 Appendix.

To list of countries detailed under the heading "Category 3", add "Italy and Iceland".

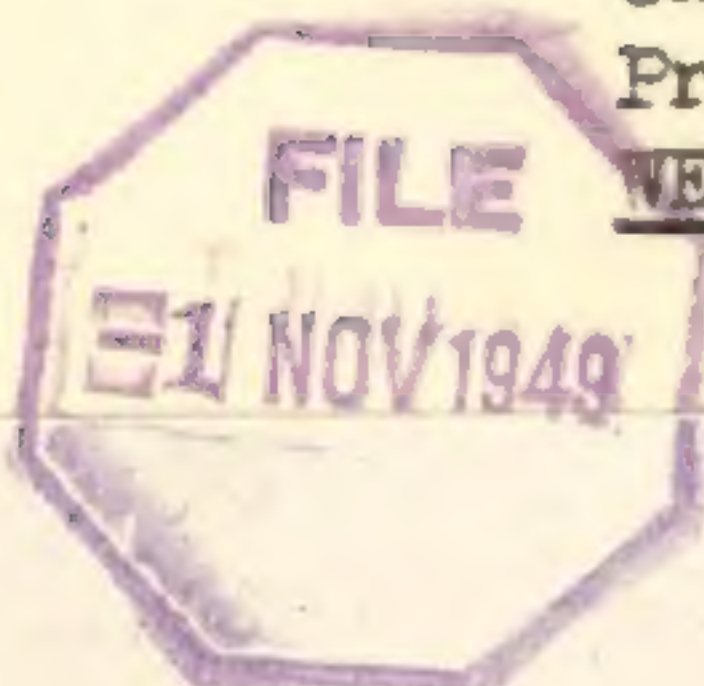
3. The New Zealand Government is being informed of the amendment through the Commonwealth Relations Office.

4. The relevant Joint Intelligence Committee London report entitled "Disclosure of British Military Information to Signatories of the Atlantic Pact" dated 5th August, 1949, has, I understand, been made available to the New Zealand Joint Services Liaison Mission in London, but is available for reference in this office if required.

Mr. D. C. H. P.
Buller

A. W. Southall
(A.W. SOUTHALL)
Squadron Leader,
Secretary,
United Kingdom Service Liaison Staff.

The Secretary,
Chiefs of Staff Committee,
Prime Minister's Department,
WELLINGTON.



TOP SECRET

REGISTERED
AN

OUTWARD TELEGRAM

THIS TELEGRAM MUST BE PARAPHRASED IF THE COMMUNICATION OF ITS CONTENTS TO
ANY PERSON OUTSIDE THE GOVERNMENT SERVICE IS AUTHORIZED

FROM.....

TO.....

DATED..... TIME OF DESPATCH:.....

J50 46/3/1

10.10.49

Received from Prime Minister's Department, one
letter addressed to Naval Reg (for CNS)

No. J50

Date: 10/3/49

Signature: [Signature]

Date and
Time received: _____

4,000/5/49-1368]

Received from Prime Minister's Department, one
letter addressed to C. G. S.

No. J50 46/3/1

Date: 10.10.49

Signature: [Signature]

Date and
Time received: _____

4,000/5/49-1368]

Received from Prime Minister's Department, one
letter addressed to C. A. S.

No. J50 46/3/1

Date: 10.10.49

Signature: [Signature]

Date and
Time received: _____

4,000/5/49-1368]

OUTWARD TELEGRAM

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ANY PERSON OUTSIDE THE GOVERNMENT SERVICE IS AUTHORIZED

FROM.....

TO.....

DATED..... TIME OF DESPATCH:.....

J.S.O. 46/3/1

NEW ZEALAND JOINT SERVICES LIAISON STAFF (LONDON).

Telephone: TEMPLE BAR 3611.

Ext.....2....

In your reply please quote
NZJS/UK/Ops/3



HALIFAX HOUSE,
51 - 55, STRAND,
LONDON, W.C.2.

TOP SECRET.

21st September, 1949.

MEMORANDUM for:-

The Secretary,
Chiefs of Staff Committee,
Wellington.

DISCLOSURE OF BRITISH MILITARY INFORMATION TO SIGNATORIES
OF THE ATLANTIC PACT

Forwarded herewith at Annex attached please find four
paraphrased copies of a report on the above-mentioned subject.

Conclusions

2. The conclusions to the paper are as follows:-

- (a) When military machinery is established under the Atlantic Pact, a review of the security situation in the member countries should be made with their full knowledge and assistance and a Metric type of procedure then set up.
- (b) Until such a review is made, and subject to it, Iceland and Italy can be upgraded to Category 3.
- (c) Except for this amendment, no recommendation is made to alter the existing procedure until the military machinery for the Atlantic Pact is established.
- (d) Correct security classification and the "need to know" principle must be adhered to. Where this is done both the requirements of Atlantic Pact policy and of security should be met by the provisions of the procedure set out in a previous memorandum.

Mr. Durbach
Bullet ✓



L.P. Hassett

Major
SECRETARY

NEW ZEALAND JOINT SERVICES LIAISON STAFF (LONDON)

Chief of the Air Staff.
Naval Secretary (for C.N.S.)
Chief of the General Staff.



3. COS & Tol
CNS 15 show

1 enclosure
Office, for perusal.

JSO.46/3/1. For your information.
Will the Chief of the Naval Staff please make his copy
available to the Officer-in-Charge, Joint Intelligence
Secretary,
Chiefs of Staff Committee. 10/10/1949.

REGISTERED

TOP SECRET

DISCLOSURE OF BRITISH MILITARY INFORMATION TO SIGNATORIES
OF THE ATLANTIC PACT

The following is an examination of the procedure for the disclosure of British classified information to foreign countries in the light of a recent memorandum on the application of this procedure to signatories of the Atlantic Pact.

Present Procedure

2. Under the existing procedure, the following are the rules applying to the Atlantic Pact countries:-

- (i) Belgium, France, Holland and Luxembourg are in Category 2, i.e., nations who, though normally given no higher information than Confidential, may in the interests of British strategic policy, receive information up to and including Top Secret under the Metric procedure.
- (ii) Denmark, Norway and Portugal are in Category 3, i.e. nations who may be given up to and including Confidential military information.
- (iii) Iceland and Italy are in Category 4, i.e. nations who may be given up to and including Restricted military information.

3. Provision is made for the occasional release of information not more than one security grading higher than is permitted under the normal rules. The Metric procedure allows Secret and Top Secret information to be disclosed to a limited number of authorised individuals in the Western Union countries.

FACTORS AFFECTING THE REVISION OF THE CURRENT PROCEDURE

Co-operation within the Atlantic Pact

4. In re-examining the current procedure the necessity for co-operation within the Atlantic Pact and the implementation of the policy of assistance to the countries signatory to that Pact, has been kept in view.

5. No military machinery has yet, however, been established under the Pact, and it is suggested therefore that whatever procedure is approved following this report, it be reviewed when such machinery has been set up. For the purposes of the examination, it has been assumed that for the disclosure of Top Secret or Secret information on policy and planning, a procedure similar to Metric will be applied.

6. The examination has therefore been confined to determining whether any variations in the current rules and categories may be made for the disclosure of British classified military information outside the Metric or equivalent procedure.

Categorisation of signatory countries

7. In order to establish a Metric type of procedure once the military machinery for the Atlantic Pact is set up, a review of the Security Organisations in each member country should be made with the assistance and full knowledge of the country concerned. This review should be on the lines of that carried out for the Brussels Treaty Organisation. Until that review is carried out and a Metric type of procedure established, it would be unwise, and until military machinery is in motion, it is unnecessary to

upgrade Italy, Iceland, Norway, Denmark and Portugal to the level of the signatories to the Brussels Treaty. But subject to reconsideration at the time of that review, it is considered reasonable to upgrade Italy and Iceland into the same category as Norway, Denmark and Portugal, namely category 3.

8. The security of the five countries is not good enough to recommend that information higher than confidential be disclosed generally to any or all of them, outside a procedure of the Metric type.

Application of categorisation to disclosure

9. This regrading of the Atlantic Pact countries, however, does not answer the problem in that it still would not permit the disclosure of information graded higher than Confidential except in the special circumstances provided for in a recent instruction. In this connection, however, it is emphasised that the agreed definition of Secret - "Documents, information or material, the unauthorised disclosure of which would endanger national security, cause serious injury to the interests or prestige of the nation or any governmental activity thereof or would be of great advantage to a foreign nation shall be classified Secret".

10. It is considered that the information which shall be disclosed to officers from Atlantic Pact countries, either during courses or by other means, and which they will pass on in their own countries, will not normally be graded as high as Secret within the terms of the definition quoted above. It is further considered that highly classified information, especially on long term developments, should not be imparted in schools and colleges merely as background or 'for interest'.

Application of the procedure for Atlantic Pact Countries

11. Assuming that Italy and Iceland are upgraded to Category 3, and the other signatories of the Atlantic Pact remain in their present categories, an examination has been made as to how co-operation can yet be maintained in so far as disclosure of information is concerned. It is suggested that the problem would not be so serious as represented if the correct application of security classifications and the "need to know" principle were adhered to.

12. The first and overriding factor to be considered in the disclosure of any information must be the "need to know". If, in particular instances, this "need to know" is established in furtherance of Atlantic Pact policy, then the sponsoring Department must examine the security classification of the information concerned. If such information is already graded "secret", then it should be reviewed in accordance with the agreed security classification definitions. Where the inherent quality of the information precludes downgrading to "Confidential" or below, then the normal procedure for handling such exceptions should be applied. It is improbable that there is so much information correctly graded secret which the signatories of the Atlantic Pact "need to know" that such frequent use would have to be made of the dispensation referred to above as to amount to a breach of the rules. It is believed that when examined in the light of the definition already quoted it will be found that much information now graded "Secret" ought to be downgraded.

13. The membership of the Atlantic Pact includes countries widely different in their military requirements and in the nature of their forces, and widely separated geographically. It is not therefore contemplated that military information required by one will necessarily be required by all. Nor is it thought advisable that the principle should be admitted that every country should expect to receive identical information as a right.

CONCLUSIONS

14. It is therefore concluded that:-

- (a) When military machinery is established under the Atlantic Pact, a review of the security situation in the member countries should be made with their full knowledge and assistance and a Metric type of procedure then set up.
 - (b) Until such a review is made, and subject to it, Iceland and Italy can be upgraded to Category 3.
 - (c) Except for this amendment, no recommendation is made to alter the existing procedure until the military machinery for the Atlantic Pact is established.
 - (d) Correct security classification and the "need to know" principle must be adhered to. Where this is done both the requirements of Atlantic Pact policy and of security should be met by the provisions of the procedure set out in a previous memorandum.
-

J50. 46/3/1



United Kingdom Service Liaison Staff,
OFFICE OF THE HIGH COMMISSIONER
FOR THE UNITED KINGDOM,
WELLINGTON, N.Z.

SECRET.

6th October, 1948

Ref: UKSLS/S.4009/2.

Sir,

I have the honour to forward, for the information of the New Zealand Chiefs of Staff, Copies Nos.87, 88 and 89 of a report (COS (48) 180 (O)) governing the policy of the United Kingdom Government on the disclosure of United Kingdom Military Information to Foreign Nations.

2. The report has been approved by the United Kingdom Chiefs of Staff and copies of it have been sent to the United Kingdom High Commissioners in New Zealand, Canada, Australia and South Africa, who will convey the substance of the report to the Commonwealth Governments asking whether the latter intend to adopt a similar policy themselves.

3. I am to add that this report deals entirely with Foreign Nations and does not attempt to imply any change in our present policy towards Commonwealth Governments.

I have the honour to be,
Sir,
Your obedient servant,

A.W. Southall

(A.W.SOUTHALL)

Squadron Leader, Secretary,
U.K. Service Liaison Staff.

FILE

The Secretary,
Chiefs of Staff Committee,
Prime Minister's Office,
WELLINGTON, C.1.

REGISTERED
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TOP SECRET

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C.O.S. (48) 130 (0)

13TH AUGUST, 1948

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CHIEFS OF STAFF COMMITTEE

DISCLOSURE OF BRITISH MILITARY INFORMATION
TO FOREIGN NATIONS

Report by the Chiefs of Staff.

We have re-examined, in the light of subsequent developments, the existing policy⁰ of disclosure of military information to foreign nations, which was approved by the Defence Committee in November, 1945. We have extended our review to include all forms of Military Information as defined in paragraph 3 below. In preparing our report we have borne in mind that the disclosure of military information to foreign nations is normally made only with the object of furthering the interests of our foreign and strategic policy; disclosure for commercial reasons is permissible and indeed desirable when it does not conflict with that policy. We have also been guided by the policy⁺ governing the supply of arms to other nations.

2. In general, we consider that the existing policy should be confirmed, with amendment in the categorisation of nations. We also consider that the procedure for relaxing the strict application of current policy in exceptional circumstances should be clarified and simplified.

Military Information.

3. We have taken the term "Military Information" to refer to information which is the property of, or the primary concern of, the Service Departments and the Ministry of Supply, or is of defence interest. Its disclosure may take the form of the supply of equipment.

It covers :-

(a) Information, that is to say, knowledge of British forces, equipment, research and development, etc. This is further subdivided into :-

(i) Scientific information, when this has resulted from fundamental research and development carried out under Government auspices or which has been allotted a security classification.

0 C.O.S. (45) 11
+ J.C. (45) 11th Meeting, 18th Dec. 47
+ D.O. (45) 11

- (ii) Technical information about equipment, manufacturing processes, and operational technique.
- (iii) Non-Technical information, such as Orders of battle, strengths, locations, operations, training methods, plans, organisation and publications of the fighting Services.
- (b) Intelligence, that is to say knowledge of foreign countries, in all the fields at (a) above, possessed by the U.K.

Agreement with the U.S.A.

4. Our report refers only to British information. Instructions relating to the disclosure of American or joint American-British owned military information is the subject of a special agreement with the Americans.

Policy for grading by Categories.

5. We propose to amend the existing Categories B and C in the light of political developments. We now stand in closer relationship to France and the Benelux countries than to other Category B nations, and the deterioration of our relations with the Soviet Union and her satellites makes distinction necessary between them and other Category C nations, with some of whom we have agreements to assist in training their armed forces. We have reluctantly been forced to adopt five instead of the current three categories and have grouped nations accordingly in the Appendix to our report.

Categorisation of nations for disclosure purposes.

6. In the light of the foregoing paragraphs, we have prepared a standard policy by which nations are categorised as described below for disclosure purposes. In each of the first four categories the nations may receive at the discretion of Departments, information up to and including the classification for that category.

Category 1.

Nations who may be given up to and including Top Secret military information.

Category 2.

Nations who, though normally given no higher information than Confidential may, in the interests of British strategic policy, receive information up to and including Top Secret under special security arrangements, such as those devised for the Western Union Defence talks.

Category 3.

Nations who may be given up to and including Confidential military information.

Category 4.

Nations who may be given up to and including Restricted military information.

Category 5.

Nations who must be given no classified information except as necessary to ensure reciprocal treatment for Service Attaches, Missions, etc. and never higher than Restricted.

7. We emphasise that the rules for disclosure of classified military information under each of the categories are permissive. No nation should be given any information unless we thereby derive some political, military or economic benefits.

The Reciprocity Rule

8. It is important that the disclosure of Military Information shall be on a reciprocal basis. With some nations our relations are so close that reciprocity is implicit, while other nations may have nothing to offer that we need, though it may, for instance, be possible to ask for "intelligence" in exchange for "equipment". With the low category nations reciprocity is essential as a weapon, should it be desired to stave off an awkward request by making a counter request known to be impossible of fulfilment. The counter request need not necessarily be confined to the requirements of one Department. We consider that the reciprocity rule should be maintained.

Machinery for Interim Adjustments.

9. The security implications of each disclosure, even within the approved Categories, should be examined by the Department proposing to make it. The Department should also be responsible for obtaining the concurrence of other Departments if their interests are involved. Relaxation is required from time to time to allow disclosure of particular information to nations normally barred from receiving it. We consider that Departments should have discretion to relax the normal rules provided

- (a) the relaxation relates to information of interest only to one Department, and
- (b) the information is not more than one security grading higher than is permitted under the normal rules.

Guidance may be sought from the Exchange of Military Information Sub-Committee in such cases and in all other cases the Sub-Committee's guidance must be sought. In cases of special difficulty or importance the Exchange of Military Information Sub-Committee should in turn consult the Joint Planning Staff or Joint Intelligence Committee as appropriate.

Industrial Considerations.

10. Information may be Government-owned or privately-owned; secret or not secret; wholly patentable, wholly unpatentable, or partly patentable and partly unpatentable.

- (a) Wholly patentable, i.e. the whole of the information can be protected by a patent specification. If secret the Government will in all cases acquire the right to a secret patent in U.K. and disclosure to a foreign Government should as far as possible be made on the following condition:

That the information is kept secret and the Government of that country will grant us on request patent protection of suitable priority.

If not secret, i.e. such that publication in a patent specification is permissible, no problem arises. Government-owned inventions should be examined to see whether foreign patents should be obtained and exploited. In the case of privately-owned inventions the recipient Government should be referred to the owner, to negotiate terms.

- (b) Wholly unpatentable, i.e. the information, while commercially valuable, is not of the kind which can be protected by a patent specification. Government-owned information should only be supplied if we obtain a quid pro quo - strategic, political or commercial - worth the value of the information. In the case of privately-owned information the foreign Government should merely be put in touch with the owner, but if secret, the owner should be warned he should only communicate the information to accredited representatives of the foreign Governments who are pledged to maintain secrecy.

- (c) Partly patentable and partly unpatentable. The only important case is where the information as a whole is secret and unpatentable, e.g. the layout, dimensions and specification of an aero engine, while some parts are patentable and may be patented without fear of disclosing the general design, e.g. a magneto.

The patented and unpatented parts should be treated separately as in (a) and (b) above but in the case of privately-owned patentable information care should be taken to inspect any patent applications before they are filed in the foreign country by the owner, to make sure that they do not disclose any secret information.

- (d) Departments who are negotiating with Foreign Governments for the communication to them of information of commercial value may, depending upon the particular circumstances, decide to carry out the negotiations themselves and may lay down the terms upon which the information may be used by those Governments, or they may decide to entrust the negotiations, under suitable conditions, to private firms or individuals.

11. Exchange of industrial information with the Americans is subject to a separate agreement.

Conditions of Disclosure.

12. The following security conditions should be laid down and agreed to by all nations to whom information is disclosed:-

- (a) The information received should be safeguarded under rules designed to give the same standard of security as we maintain.
- (b) The information is disclosed only for the use of the recipient Government and for the use, under seal of secrecy, of approved contractors engaged on a relevant defence project. Disclosure to any other Government, or release to the Press or in any other way, would constitute a breach of the agreement.

(/ To be concluded.)

Duration of Proposed Policy.

13. It is considered that the basic policy of disclosure by categories should continue indefinitely, although its application will depend on changing strategic and political factors which will necessitate periodical review. We therefore propose to review periodically the countries to be placed in each category.

Control

14. Control of disclosure should rest with Departments in London, but they may have discretion to delegate responsibility for disclosure, within the normal rules, to Commanders-in-Chief, Heads of Service Missions, etc, when this is considered essential.

Conclusions .

15. We conclude that:-

- (i) Disclosures are permissible only when they further our foreign and strategic policy or for commercial reasons when they do not conflict with our foreign and strategic policy. (Paragraph 1).
- (ii) For purposes of disclosure, nations should be recategorised. (Paragraph 6 and Appendix).
- (iii) Disclosure should be on the basis of reciprocity and should be subject to an undertaking by the recipient nation to afford security safeguards comparable with our own. (Paragraphs 8 and 12).
- (iv) There should be a procedure for relaxing the rules. (Paragraph 9).
- (v) The existing procedure for securing patent protection should be continued. (Paragraph 10).
- (vi) Policy should be kept under periodic review. (Paragraph 13).

(Initialled)

TEDDER.
J.H.D.CUNNINGHAM.
MONTGOMERY OF ALAMEIN.

MINISTRY OF DEFENCE, S.W.1.

13TH AUGUST, 1948.

A P P E N D I X

CATEGORISATION OF FOREIGN NATIONS

Foreign Nations have been placed in the following categories for the purposes of receiving military information:-

Category 1

Nations who may be given up to and including Top Secret military information:-

U.S.A.

Category 2

Nations, who, though normally given no higher information than Confidential may, in the interests of British strategic policy, receive information up to and including Top Secret under special security arrangements, such as those devised for the Western Union Defence talks:-

Belgium, France, Holland and Luxembourg.

Category 3

Nations who may be given up to and including Confidential military information:-

Argentina, Brazil, Chile, Denmark, Eire, Greece, Norway, Portugal, Sweden, Switzerland and Turkey.

Italy, Iceland

Category 4

Nations who may be given up to and including Restricted military information:-

All nations not included in the other four categories.

Category 5.

Nations who must be given no classified information except as necessary to ensure reciprocal treatment for Service Attaches, Missions, etc., and in no case higher than Restricted:-

The Soviet Union, Albania, Bulgaria, Czechoslovakia, Finland, Hungary, Poland, Roumania and Yugoslavia.

UKSLS/TS 4009
7 Nov 49

SECRET

SECURITY AGREEMENT BETWEEN THE UNITED STATES
AND THE UNITED KINGDOM.

1. The United States Chiefs of Staff will make every effort to insure that the United States will maintain the military security classifications established by United Kingdom authorities with respect to military information of U.K. origin, and the military security classifications established by U.K.-U.S. agreement with respect to military information of joint U.K.-U.S. origin or development; will safeguard accordingly such military information; will not exploit such information for production for other than military purposes; and, will not disclose such military information to a third nation without U.K. consent. The British Chiefs of Staff will make every effort to insure that the United Kingdom will maintain the military security classifications established by the U.S. authorities with respect to military information of U.S. origin, and the military security classifications established by U.K.-U.S. agreement with respect to military information of joint U.K.-U.S. origin or development; will safeguard accordingly such military information; will not exploit such information for production for other than military purposes; and will not disclose such military information to a third nation without U.S. consent. This agreement applies to military information disclosed by the United States to the United Kingdom or by the United Kingdom to the United States or exchanged between the United States and the United Kingdom on and after the date of acceptance of this agreement by the United Kingdom. The provisions contained in C.C.S. 953, 953/1, and 953/2 will apply to information disclosed by either country to the other or exchanged between the United States and the United Kingdom between 1 September 1959 and the date of acceptance of this agreement by the United Kingdom.

2. The United States Chiefs of Staff and the British Chiefs of Staff agree that insofar as the U.S. and the U.K. are concerned, the safeguards indicated above also apply to information developed by the U.S. and U.K. jointly in collaboration with a third nation.

3. It is agreed that the provisions of C.C.S. 210/4 shall remain in full force and effect until cancelled or superseded by another agreement which shall then be controlling in this respect.

4. It is agreed in respect of classified information communicated by one country to the other, that the recipient country shall use its best endeavours within the framework of its laws and rules to prevent any loss of patent rights in the information. Specifically it is declared and agreed that:

- Any rights of the originator to obtain patent protection in the recipient country in respect of the information communicated are not and will not be prejudiced by virtue of the introduction of the information into such country.

b. The information, so long as it remains classified, will not be used or disclosed by the recipient country in any manner likely to prejudice the rights of the originator to obtain patent protection in respect thereof, but if the recipient country desires to use or to disclose the information in any manner likely so to prejudice the rights of the originator, then the recipient country will immediately notify the country of origin of the full circumstances of such intended use or disclosure, and such use or disclosure shall not be effected until approval is given by the country of origin.

c. Each country when so requested by the other and to the extent consistent with its laws and rules will use its best endeavours,

(1) to have maintained in secrecy any patent application filed in the recipient country in respect of the information for so long as may be desired by the country of origin, and

(2) to supply reports of the manner in which the information embodied in a patent application has been used or disclosed.

5. For the purpose of this agreement the United Kingdom, the British Dominions, and India are considered to be separate nations.

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C.O.S.(48)180(0)

13TH AUGUST, 1948

CHIEFS OF STAFF COMMITTEE

DISCLOSURE OF BRITISH MILITARY INFORMATION
TO FOREIGN NATIONS

Report by the Chiefs of Staff.

We have re-examined, in the light of subsequent developments, the existing policy^o of disclosure of military information to foreign nations, which was approved^a by the Defence Committee in November, 1945. We have extended our review to include all forms of Military Information as defined in paragraph 3 below. In preparing our report we have borne in mind that the disclosure of military information to foreign nations is normally made only with the object of furthering the interests of our foreign and strategic policy; disclosure for commercial reasons is permissible and indeed desirable when it does not conflict with that policy. We have also been guided by the policy⁺ governing the supply of arms to other nations.

2. In general, we consider that the existing policy should be confirmed, with amendment in the categorisation of nations. We also consider that the procedure for relaxing the strict application of current policy in exceptional circumstances should be clarified and simplified.

Military Information.

3. We have taken the term "Military Information" to refer to information which is the property of, or the primary concern of, the Service Departments and the Ministry of Supply, or is of defence interest. Its disclosure may take the form of the supply of equipment.

It covers :-

(a) Information, that is to say, knowledge of British forces, equipment, research and development, etc. This is further subdivided into :-

(1) Scientific information, when this has resulted from fundamental research and development carried out under Government auspices or which has been allotted a security classification.

o D.O.(45)22
a D.O.(45)14th Meeting, 10th Dec.
+ D.O.(45)11

- (ii) Technical information about equipment, manufacturing processes, and operational technique.
- (iii) Non-Technical information, such as Orders of battle, strengths, locations, operations, training methods, plans, organisation and publications of the fighting Services.
- (b) Intelligence, that is to say knowledge of foreign countries, in all the fields at (a) above, possessed by the U.K.

Agreement with the U.S.A.

4. Our report refers only to British information. Instructions relating to the disclosure of American or joint American-British owned military information is the subject of a special agreement with the Americans.

Policy for grading by Categories.

5. We propose to amend the existing Categories B and C in the light of political developments. We now stand in closer relationship to France and the Benelux countries than to other Category B nations, and the deterioration of our relations with the Soviet Union and her satellites makes distinction necessary between them and other Category C nations, with some of whom we have agreements to assist in training their armed forces. We have reluctantly been forced to adopt five instead of the current three categories and have grouped nations accordingly in the Appendix to our report.

Categorisation of nations for disclosure purposes.

6. In the light of the foregoing paragraphs, we have prepared a standard policy by which nations are categorised as described below for disclosure purposes. In each of the first four categories the nations may receive at the discretion of Departments, information up to and including the classification for that category.

Category 1.

Nations who may be given up to and including Top Secret military information.

Category 2.

Nations who, though normally given no higher information than Confidential may, in the interests of British strategic policy, receive information up to and including Top Secret under special security arrangements, such as those devised for the Western Union Defence talks.

Category 3.

Nations who may be given up to and including Confidential military information.

Category 4.

Nations who may be given up to and including Restricted military information.

Ø : C.O.S. 953/3 Attached at Annex II

Category 5.

Nations who must be given no classified information except as necessary to ensure reciprocal treatment for Service Attaches, Missions, etc. and never higher than restricted.

7. We emphasise that the rules for disclosure of classified military information under each of the categories are permissive. No nation should be given any information unless we thereby derive some political, military or economic benefits.

The Reciprocity Rule

8. It is important that the disclosure of Military Information shall be on a reciprocal basis. With some nations our relations are so close that reciprocity is implicit, while other nations may have nothing to offer that we need, though it may, for instance, be possible to ask for "intelligence" in exchange for "equipment". With the low category nations reciprocity is essential as a weapon, should it be desired to stave off an awkward request by making a counter request known to be impossible of fulfilment. The counter request need not necessarily be confined to the requirements of one Department. We consider that the reciprocity rule should be maintained.

Machinery for Interim Adjustments.

9. The security implications of each disclosure, even within the approved Categories, should be examined by the Department proposing to make it. The Department should also be responsible for obtaining the concurrence of other Departments if their interests are involved. Relaxation is required from time to time to allow disclosure of particular information to nations normally barred from receiving it. We consider that Departments should have discretion to relax the normal rules provided

- (a) the relaxation relates to information of interest only to one Department, and
- (b) the information is not more than one security grading higher than is permitted under the normal rules.

Guidance may be sought from the Exchange of Military Information Sub-Committee in such cases and in all other cases the Sub-Committee's guidance must be sought. In cases of special difficulty or importance the Exchange of Military Information Sub-Committee should in turn consult the Joint Planning Staff or Joint Intelligence Committee as appropriate.

Industrial Considerations.

10. Information may be Government-owned or privately-owned; secret or not secret; wholly patentable, wholly unpatentable, or partly patentable and partly unpatentable.

- (a) Wholly patentable, i.e. the whole of the information can be protected by a patent specification. If secret the Government will in all cases acquire the right to a secret patent in U.K. and disclosure to a foreign Government should as far as possible be made on the following condition:

That the information is kept secret and the Government of that country will grant us on request patent protection of suitable priority.

If not secret, i.e. such that publication in a patent specification is permissible, no problem arises. Government-owned inventions should be examined to see whether foreign patents should be obtained and exploited. In the case of privately-owned inventions the recipient Government should be referred to the owner, to negotiate terms.

- (b) Wholly unpatentable, i.e. the information, while commercially valuable, is not of the kind which can be protected by a patent specification. Government-owned information should only be supplied if we obtain a quid pro quo - strategic, political or commercial - worth the value of the information. In the case of privately-owned information the foreign Government should merely be put in touch with the owner, but if secret, the owner should be warned he should only communicate the information to accredited representatives of the foreign Governments who are pledged to maintain secrecy.

- (c) Partly patentable and partly unpatentable. The only important case is where the information as a whole is secret and unpatentable, e.g. the layout, dimensions and specification of an aero engine, while some parts are patentable and may be patented without fear of disclosing the general design, e.g. a magneto.

The patented and unpatented parts should be treated separately as in (a) and (b) above but in the case of privately-owned patentable information care should be taken to inspect any patent applications before they are filed in the foreign country by the owner, to make sure that they do not disclose any secret information.

- (d) Departments who are negotiating with Foreign Governments for the communication to them of information of commercial value may, depending upon the particular circumstances, decide to carry out the negotiations themselves and may lay down the terms upon which the information may be used by those Governments, or they may decide to entrust the negotiations, under suitable conditions, to private firms or individuals.

11. Exchange of industrial information with the Americans is subject to a separate agreement.

Conditions of Disclosure.

12. The following security conditions should be laid down and agreed to by all nations to whom information is disclosed:-

- (a) The information received should be safeguarded under rules designed to give the same standard of security as we maintain.
- (b) The information is disclosed only for the use of the recipient Government and for the use, under seal of secrecy, of approved contractors engaged on a relevant defence project. Disclosure to any other Government, or release to the Press or in any other way, would constitute a breach of the agreement.

(/ To be concluded.)

Duration of Proposed Policy.

13. It is considered that the basic policy of disclosure by categories should continue indefinitely, although its application will depend on changing strategic and political factors which will necessitate periodical review. We therefore propose to review periodically the countries to be placed in each category.

Control

14. Control of disclosure should rest with Departments in London, but they may have discretion to delegate responsibility for disclosure, within the normal rules, to Commanders-in-Chief, Heads of Service Missions, etc, when this is considered essential.

Conclusions .

15. We conclude that:-

- (i) Disclosures are permissible only when they further our foreign and strategic policy or for commercial reasons when they do not conflict with our foreign and strategic policy. (Paragraph 1).
- (ii) For purposes of disclosure, nations should be recategorised. (Paragraph 6 and Appendix).
- (iii) Disclosure should be on the basis of reciprocity and should be subject to an undertaking by the recipient nation to afford security safeguards comparable with our own. (Paragraphs 8 and 12).
- (iv) There should be a procedure for relaxing the rules. (Paragraph 9).
- (v) The existing procedure for securing patent protection should be continued. (Paragraph 10).
- (vi) Policy should be kept under periodic review. (Paragraph 13).

(Initialled)

TIDDER.
J.H.D.CUNNINGHAM.
MONTGOMERY OF ALAMEIN.

MINISTRY OF DEFENCE, S.W.1.

13TH AUGUST, 1948.

A P P E N D I X

CATEGORISATION OF FOREIGN NATIONS

Foreign Nations have been placed in the following categories for the purposes of receiving military information:-

Category 1

Nations who may be given up to and including Top Secret military information:-

U.S.A.

Category 2

Nations, who, though normally given no higher information than Confidential may, in the interests of British strategic policy, receive information up to and including Top Secret under special security arrangements, such as those devised for the Western Union Defence talks:-

Belgium, France, Holland and Luxembourg.

Category 3

Nations who may be given up to and including Confidential military information:-

Argentina, Brazil, Chile, Denmark, Eire, Greece, Norway, Portugal, Sweden, Switzerland and Turkey.

Category 4

Nations who may be given up to and including Restricted military information:-

All nations not included in the other four categories.

Category 5.

Nations who must be given no classified information except as necessary to ensure reciprocal treatment for Service Attaches, Missions, etc., and in no case higher than Restricted:-

The Soviet Union, Albania, Bulgaria, Czechoslovakia, Finland, Hungary, Poland, Roumania and Yugoslavia.

ANNEX

SECURITY AGREEMENT BETWEEN THE UNITED STATES
AND THE UNITED KINGDOM.

1. The United States Chiefs of Staff will make every effort to insure that the United States will maintain the military security classifications established by United Kingdom authorities with respect to military information of U.K. origin, and the military security classifications established by U.K.-U.S. agreement with respect to military information of joint U.K.-U.S. origin or development; will safeguard accordingly such military information; will not exploit such information for production for other than military purposes; and, will not disclose such military information to a third nation without U.K. consent. The British Chiefs of Staff will make every effort to insure that the United Kingdom will maintain the military security classifications established by the U.S. authorities with respect to military information of U.S. origin, and the military security classifications established by U.K.-U.S. agreement with respect to military information of joint U.K.-U.S. origin or development; will safeguard accordingly such military information; will not exploit such information for production for other than military purposes; and will not disclose such military information to a third nation without U.S. consent. This agreement applies to military information disclosed by the United States to the United Kingdom or by the United Kingdom to the United States or exchanged between the United States and the United Kingdom on and after the date of acceptance of this agreement by the United Kingdom. The provisions contained in C.G.S. 953, 953/1, and 953/2 will apply to information disclosed by either country to the other or exchanged between the United States and the United Kingdom between 1 September 1939 and the date of acceptance of this agreement by the United Kingdom.
2. The United States Chiefs of Staff and the British Chiefs of Staff agree that insofar as the U.S. and the U.K. are concerned, the safeguards indicated above also apply to information developed by the U.S. and U.K. jointly in collaboration with a third nation.
3. It is agreed that the provisions of C.G.S. 210/4 shall remain in full force and effect until cancelled or superseded by another agreement which shall then be controlling in this respect.
4. It is agreed in respect of classified information communicated by one country to the other, that the recipient country shall use its best endeavours within the framework of its laws and rules to prevent any loss of patent rights in the information. Specifically it is declared and agreed that:
 - a. Any rights of the originator to obtain patent protection in the recipient country in respect of the information communicated are not and will not be prejudiced by virtue of the introduction of the information into such country.

1. The information, so long as it remains classified, will not be used or disclosed by the recipient country in any manner likely to prejudice the rights of the originator to obtain patent protection in respect thereof, but if the recipient country desires to use or to disclose the information in any manner likely so to prejudice the rights of the originator, then the recipient country will immediately notify the country of origin of the full circumstances of such intended use or disclosure, and such use or disclosure shall not be effected until approval is given by the country of origin.

c. Each country when so requested by the other and to the extent consistent with its laws and rules will use its best endeavours,

(1) to have maintained in secrecy any patent application filed in the recipient country in respect of the information for so long as may be desired by the country of origin, and

(2) to supply reports of the manner in which the information embodied in a patent application has been used or disclosed.

5. For the purpose of this agreement the United Kingdom, the British Dominions, and India are considered to be separate nations.

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13TH AUGUST, 1948

CHIEFS OF STAFF COMMITTEE

DISCLOSURE OF BRITISH MILITARY INFORMATION
TO FOREIGN NATIONS

Report by the Chiefs of Staff.

We have re-examined, in the light of subsequent developments, the existing policy⁰ of disclosure of military information to foreign nations, which was approved by the Defence Committee in November, 1945. We have extended our review to include all forms of Military Information as defined in paragraph 3 below. In preparing our report we have borne in mind that the disclosure of military information to foreign nations is normally made only with the object of furthering the interests of our foreign and strategic policy; disclosure for commercial reasons is permissible and indeed desirable when it does not conflict with that policy. We have also been guided by the policy⁺ governing the supply of arms to other nations.

2. In general, we consider that the existing policy should be confirmed, with amendment in the categorisation of nations. We also consider that the procedure for relaxing the strict application of current policy in exceptional circumstances should be clarified and simplified.

Military Information.

3. We have taken the term "Military Information" to refer to information which is the property of, or the primary concern of, the Service Departments and the Ministry of Supply, or is of defence interest. Its disclosure may take the form of the supply of equipment.

It covers :-

(a) Information, that is to say, knowledge of British forces, equipment, research and development, etc. This is further subdivided into :-

(i) Scientific information, when this has resulted from fundamental research and development carried out under Government auspices or which has been allotted a security classification.

Ø D.O.(45)22
≠ E.O.(45)14th Meeting, Item 3.
+ D.O.(45)11

- (ii) Technical information about equipment, manufacturing processes, and operational technique.
 - (iii) Non-Technical information, such as Orders of battle, strengths, locations, operations, training methods, plans, organisation and publications of the fighting Services.
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Agreement with the U.S.A.

4. Our report refers only to British information. Instructions relating to the disclosure of American or joint American-British owned military information is the subject of a special agreement with the Americans.

Policy for grading by Categories:

5. We propose to amend the existing Categories B and C in the light of political developments. We now stand in closer relationship to France and the Benelux countries than to other Category B nations, and the deterioration of our relations with the Soviet Union and her satellites makes distinction necessary between them and other Category C nations, with some of whom we have agreements to assist in training their armed forces. We have reluctantly been forced to adopt five instead of the current three categories and have grouped nations accordingly in the Appendix to our report.

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6. In the light of the foregoing paragraphs, we have prepared a standard policy by which nations are categorised as described below for disclosure purposes. In each of the first four categories the nations may receive at the discretion of Departments, information up to and including the classification for that category.

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Nations who may be given up to and including Restricted military information.

Category 5.

Nations who must be given no classified information except as necessary to ensure reciprocal treatment for Service Attaches, Missions, etc. and never higher than Restricted.

7. We emphasise that the rules for disclosure of classified military information under each of the categories are permissive. No nation should be given any information unless we thereby derive some political, military or economic benefits.

The Reciprocity Rule

8. It is important that the disclosure of Military Information shall be on a reciprocal basis. With some nations our relations are so close that reciprocity is implicit, while other nations may have nothing to offer that we need, though it may, for instance, be possible to ask for "intelligence" in exchange for "equipment". With the low category nations reciprocity is essential as a weapon, should it be desired to stave off an awkward request by making a counter request known to be impossible of fulfilment. The counter request need not necessarily be confined to the requirements of one Department. We consider that the reciprocity rule should be maintained.

Machinery for Interim Adjustments.

9. The security implications of each disclosure, even within the approved Categories, should be examined by the Department proposing to make it. The Department should also be responsible for obtaining the concurrence of other Departments if their interests are involved. Relaxation is required from time to time to allow disclosure of particular information to nations normally barred from receiving it. We consider that Departments should have discretion to relax the normal rules provided

- (a) the relaxation relates to information of interest only to one Department, and
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Guidance may be sought from the Exchange of Military Information Sub-Committee in such cases and in all other cases the Sub-Committee's guidance must be sought. In cases of special difficulty or importance the Exchange of Military Information Sub-Committee should in turn consult the Joint Planning Staff or Joint Intelligence Committee as appropriate.

Industrial Considerations.

10. Information may be Government-owned or privately-owned; secret or not secret; wholly patentable, wholly unpatentable, or partly patentable and partly unpatentable.

- (a) Wholly patentable, i.e. the whole of the information can be protected by a patent specification. If secret the Government will in all cases acquire the right to a secret patent in U.K. and disclosure to a foreign Government should as far as possible be made on the following condition:

That the information is kept secret and the Government of that country will grant us on request patent protection of suitable priority.

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(c) Partly patentable and partly unpatentable. The only important case is where the information as a whole is secret and unpatentable, e.g. the layout, dimensions and specification of an aero engine, while some parts are patentable and may be patented without fear of disclosing the general design, e.g. a magneto.

The patented and unpatented parts should be treated separately as in (a) and (b) above but in the case of privately-owned patentable information care should be taken to inspect any patent applications before they are filed in the foreign country by the owner, to make sure that they do not disclose any secret information.

(d) Departments who are negotiating with Foreign Governments for the communication to them of information of commercial value may, depending upon the particular circumstances, decide to carry out the negotiations themselves and may lay down the terms upon which the information may be used by those Governments, or they may decide to entrust the negotiations, under suitable conditions, to private firms or individuals.

11. Exchange of industrial information with the Americans is subject to a separate agreement.

Conditions of Disclosure.

12. The following security conditions should be laid down and agreed to by all nations to whom information is disclosed:-

- (a) The information received should be safeguarded under rules designed to give the same standard of security as we maintain.
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(/ To be concluded.)

Duration of Proposed Policy.

13. It is considered that the basic policy of disclosure by categories should continue indefinitely, although its application will depend on changing strategic and political factors which will necessitate periodical review. We therefore propose to review periodically the countries to be placed in each category.

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Conclusions .

15. We conclude that:-

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- (ii) For purposes of disclosure, nations should be recategorised. (Paragraph 6 and Appendix).
- (iii) Disclosure should be on the basis of reciprocity and should be subject to an undertaking by the recipient nation to afford security safeguards comparable with our own. (Paragraphs 8 and 12).
- (iv) There should be a procedure for relaxing the rules. (Paragraph 9).
- (v) The existing procedure for securing patent protection should be continued. (Paragraph 10).
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(Initialled)

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13TH AUGUST, 1948.

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Belgium, France, Holland and Luxembourg.

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Argentina, Brazil, Chile, Denmark, Eire, Greece, Norway, Portugal, Sweden, Switzerland and Turkey.

Category 4

Nations who may be given up to and including Restricted military information:-

All nations not included in the other four categories.

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Nations who must be given no classified information except as necessary to ensure reciprocal treatment for Service Attaches, Missions, etc., and in no case higher than Restricted:-

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2. The United States Chiefs of Staff and the British Chiefs of Staff agree that insofar as the U.S. and the U.K. are concerned, the safeguards indicated above also apply to information developed by the U.S. and U.K. jointly in collaboration with a third nation.
3. It is agreed that the provisions of C.C.S. 210/4 shall remain in full force and effect until cancelled or superseded by another agreement which shall then be controlling in this respect.
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